

**(2021) 04 JH CK 0071**  
**In the Jharkhand High Court**  
**Case No : Writ Petition(C) No. 1025 Of 2020**

Pankaj Kumar Tiwary

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

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**Date of Decision :** 08-04-2021

**Acts Referred:**

**Citation :** (2021) 04 JH CK 0071

**Hon'ble Judges :** Rajesh Shankar, J

**Bench :** Single Bench

**Advocate :** A. K. Sahani, Anuj Burman

**Final Decision :** Disposed Of

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## Judgement

The case is taken up through Video Conferencing.

At the request of learned counsel for the petitioner, the Principal Secretary, Department of Scheduled Tribe, Scheduled Caste, Minority and Backward Class Welfare, Government of Jharkhand, Ranchi is permitted to be added as the respondent No.5 in the present writ petition.

Considering the present pandemic situation, the office is directed to make necessary insertion in the cause title of the present writ petition.

The present writ petition has been filed for issuance of direction upon the respondents to release the petitioner's Raiyati land appertaining to Plot No. 218, Khata No. 3, Mouza-Morabadi (Sindwar Toli), District-Ranchi, measuring an area of 59 decimals.

The grievance of the petitioner is that his Raiyati land to the extent of 59 decimals as detailed hereinabove has been encroached by the Integrated Tribal Development Agency (ITDA), Ranchi. In support of the said claim, learned counsel for the petitioner refers to letter No. 52(i) dated 14.02.2019 (Annexure-4 to the writ petition) issued by the respondent No.2 to the Special Secretary, Department of Scheduled Tribe, Scheduled Caste, Minority and Backward Class

Welfare, Government of Jharkhand, Ranchi wherein it has been admitted that the Raiyati land of the petitioner to the extent of 27 decimals has been encroached by the ITDA. Learned counsel for the petitioner also submits that despite the said admission made by the respondent No.2 in letter No. 52(i) dated 14.02.2019, the petitioner's Raiyati land has not yet been released.

Mr. Anuj Burman, learned A.C to G.A-IV appearing on behalf of the respondents, submits that if the petitioner prefers a fresh representation on the present issue before the respondent No.5, an appropriate decision shall be taken within a time frame.

Having heard learned counsel for the parties and keeping in view the nature of the prayer made by the petitioner in the present writ petition, without entering into the merit of the case, the petitioner is given liberty to prefer a fresh representation along with the relevant documents before the respondent No.5 on the present issue. On receipt of such representation, the respondent No.5, after providing due opportunity of hearing to the petitioner, shall take appropriate informed decision within a period of one month from the date of filing of the said representation.

The present writ petition is accordingly disposed of with the aforesaid liberty and direction.